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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,491	12/15/2003	William E. Mazzara JR.	GP-304240 (2760/151)	3801
7590 10/24/2008 General Motors Corporation Legal Staff, Mail Code 482-C23-B21 300 Renaissance Center P.O. Box 300 Detroit, MI 48265-3000				
EXAMINER				
IWARERE, OLUSEYE				
ART UNIT		PAPER NUMBER		
3687				
MAIL DATE		DELIVERY MODE		
10/24/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,491

Applicant(s)

MAZZARA, WILLIAM E.

Examiner

OLUSEYE IWARERE

Art Unit

3687

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/10/2008 has been entered.

1. This communication is in response to the correspondence received on September 22, 2008. Amendments to claim 22 have been entered. Claims 22 - 33 and the remarks filed have been considered below.

Claim Rejections - 35 USC § 112

2. The amendments to claim 1 have corrected the issue and the rejection under 35 U.S.C 112 have been withdrawn.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 22 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kolls (6,615,186) in view of Muratani et al. (6,119,109).

As per claim 22, A system for providing a telematics service to a mobile vehicle, the system comprising:

a communications unit in the mobile vehicle for connecting to a remote location ([abstract] discusses an in-vehicle device for data communications);

a response system at the remote location providing at least one promotional service as a choice to a user in the mobile vehicle (figs. 1b-j depict response systems at remote locations);

a timing unit associated with the communications unit, responsive to the response system, wherein the timing unit is configured to monitor the at least one promotional service by the user in the mobile vehicle (col. 25, lines 47 – 54; discuss a timing unit); and

means for charging the user a fee for use, occurring after the period of free use expires, of the at least one promotional service (fig. 18, block 1720 discusses charging and billing).

However, Kolls fails to explicitly disclose a period of free use.

Muratani teaches an information distribution system and billing system with the feature of a period of free use (col. 19, lines 1 – 38; discusses a charge free period).

From this teaching of Muratani, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kolls to

include the period of free use taught by Muratani, in order to provide billing service to the user.

As per claim 23, further comprising means for receiving a request for the at least one promotional service (fig. 12 depicts requesting for promotional service).

As per claim 24, further comprising a user interface operatively connected to the communications unit and configured to prompt the user of the mobile vehicle for the request (fig. 4, depicts a user interface to prompt the user).

As per claim 25, further comprising means for determining if a period of use, occurring after the period of free use expires, of a previously-received promotional service exists, wherein the timing unit is further configured to decrement the period of use of the previously-received promotional service from a user account balance (fig. 4 depicts the means for determining).

As per claim 26, further comprising:

means for determining if the connection between the communications unit and the remote location has been terminated (fig. 4 depicts the means for determining); and

if the connection has been terminated, means for determining if a period of use, occurring after the period of free use expires, of the at least one promotional service exists (fig. 4 depicts the means for determining).

As per claim 27, Kolls discloses the claimed invention but fails to explicitly disclose wherein if a period of use of the at least one promotional service exists, the timing unit is further configured to decrement the period of use of the at least one promotional service from a user account balance.

Muratani teaches an information distribution system and billing system wherein if a period of use of the at least one promotional service exists, the timing unit is further configured to decrement the period of use of the at least one promotional service from a user account balance (col. 24, lines 36 – 45; decreasing billing process times).

From this teaching of Muratani, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system and method of Kolls to include the decrementing the period of use, taught by Muratani, in order to allow the customer to maintain service.

As per claim 28, further comprising means for determining if the at least one promotional service period of free use is greater than zero (fig. 4 depicts the means for determining).

As per claim 29, wherein if the at least one promotional service period of free use is not greater than zero, the system further comprises:

means for providing the at least one promotional service to the user (fig. 4 depicts the means for providing); and

means for charging a fee to the user of the mobile vehicle for a period of use of the at least one promotional service (fig. 4 depicts the means for charging).

As per claim 30, further comprising means for providing the at least one promotional service to the user for free during the period of free use (fig. 4 depicts the means for providing).

Response to Arguments

8. Applicant's arguments filed September 22, 2008 have been fully considered but they are not persuasive.

Applicant respectfully submits, "Kolls fails to teach a response system at the remote location, wherein the response system provides at least one promotional service as a choice to a user in the mobile vehicle ... Further, Applicant submits that Kolls does not disclose or even suggest that the COM devices 100 provide at least one promotional service (or any service for that matter) as a choice to the user of the vehicle."

However, Fig. 5 408 depicts an internet digital content server in which content is selected based on many things including user preferences. Therefore the Examiner respectfully disagrees.

Additionally, Applicant submits that Kolls does not disclose means for charging the user a fee for use, occurring after the period of free use expires, of the service

(such as a promotional service). The portion of Kolls cited by the Examiner (i.e., column 54, lines 61-64) refers to simply charging fees for a particular service (which has been known for many years). For example, in Kolls, a user may select and download music and/or video services using the in-vehicle device 200 and fees may be charged to the user for the downloading (see column 53, line 63 through column 54, line 67). Kolls does NOT teach that fees are charged for use after a period of use expires (let alone after a period of free use expires).

However, Muratani discloses in col. 18, lines 11 – 22 charging after a period of free use. Therefore, the Examiner respectfully disagrees, because the rejection of Kolls in view of Muratani teaches the claimed invention.

In particular, neither of the references teaches or suggests a 1) response system at the remote location providing at least one promotional service as a choice to a user in the mobile vehicle, and 2) a timing unit associated with the communications unit, responsive to the response system, wherein the timing unit is configured to monitor a period of free Use of the at least one promotional service by the user in the mobile vehicle. As such, it is submitted that Applicants' invention as defined in independent claim 22, as well as in those claims depending therefrom, is not anticipated, taught or rendered obvious by Kolls and Muratani, either alone or in combination, and patentably defines over the art of record.

However, Fig. 5 408 of Kolls depicts an internet digital content server in which content is selected based on many things including user preferences and col. 18, lines

11 – 22 of Muratani discloses timing of the service, which would inherently have a timing unit, therefore, the Examiner respectfully disagrees.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLUSEYE IWARERE whose telephone number is (571)270-5112. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on (571)272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Matthew S Gart/
Supervisory Patent Examiner, Art
Unit 3687

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